

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2001-133

March 7, 2001

PUBLIC UTILITIES COMMISSION
Delegation of Authority to Director of
Technical Analysis to Approve Rate Schedules
Providing for Preapproval of Promotional and
Bundled Offerings by Telephone Utilities

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

Pursuant to discussions between the Commission staff and the Telephone Association of Maine (TAM), the staff and TAM have agreed that telephone utilities may file terms and conditions that will allow them, under certain conditions, to establish promotional offerings and bundled rates without further Commission approval. The contents of the two terms and conditions that the TAM companies have stated they will file is as follows:

Promotional Tariff:

From time-to-time without further approval by the Public Utilities Commission, the Company may elect to offer promotional programs which shall waive, for a specified period of time not to exceed six (6) months, in whole or in part: (1) any installation fee; and/or (2) any recurring or non-recurring fees for any services other than local exchange service or intrastate toll service. A promotional program may not waive any surcharge the Company is required to assess by Rule or by Statute. Promotional programs offered under this tariff shall not alter any term or condition of any service except with regard to the rate charged for the service. Descriptions of specific promotional programs, including the effective dates of the promotion and the rates to be charged under the promotion shall be provided to the Commission on or before the offering date of the promotional program. These descriptions shall be kept with the terms and conditions maintained by the Company.

Bundled Service Tariff:

The Company may opt, at its discretion, to bundle any services as a single offering without further approval by the Public Utilities Commission of the rate sheet containing the bundled offerings. The pricing of any bundled service

offering shall not exceed the sum of the tariffed rates for each individual service. The Company shall notify the Commission of any bundled service offerings on or before the date when such bundled service offering is made available to customers at the Company.

We find that the proposed terms and conditions are reasonable, and that they will streamline the process for approval of rate offerings that will benefit consumers. We also find that it is not necessary for the Commission to review and approve individual filings of the described terms and conditions by numerous companies, provided that the utilities use the language quoted above. Accordingly, we delegate to the Director of Technical Analysis the authority to approve the terms and conditions described in this Order that are proposed by any telephone utility. The Director may also grant approval upon notice of less than 30 days because immediate approval of the terms and conditions described above will allow telephone utilities to offer price reductions contained in promotional offerings or bundled prices sooner.

The Administrative Director shall send a copy of this Order to all telephone utilities. Any telephone utility may also file the terms and conditions described in this Order.

Dated at Augusta, Maine, this 7th day of March, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.